

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
OCTOBER 22, 2008**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, October 22, 2008, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prechtel	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All of the council members were in attendance; therefore, there was a quorum for the meeting.

Approval of the Minutes:

The following minutes were distributed to and examined by the Council:

1. September 17, 2008 regular Common Council meeting
2. September 17, 2008 6:30 p.m. public hearing on the proposed federally funded CDBG project – sidewalk and storm water improvements to blighted infrastructure
3. September 17, 2008 6:40 p.m. public hearing concerning the petition BR Associates Inc to vacate a public utility and drainage easement located in Patoka Zentrum II and III
4. September 17, 2008 6:50 p.m. public hearing concerning the petition of the Estate of Mary Ann Haas to vacate a public utility and drainage easement located between Lot numbers 12 and 13 in the Bohn-Villa subdivision
5. October 8, 2008 informational meeting about a proposed retirement plan for volunteer firefighters

A **motion** was made by Councilmember Ambrose 'Butch' Schitter and seconded by Councilmember Ray Howard to approve the minutes as published. Motion carried 7-0.

Utility Service Board. General Manager of Utilities Gerald ‘Bud’ Hauersperger gave a report on the regular monthly Utility Service Board meeting held on October 20, 2008. Copies of the minutes are supplied to each councilmember.

Common Construction Wage Committee Appointment. Mayor Schmitt said the City needs to have a common construction wage hearing for the Church Avenue Water Main project. The Mayor and Council as owners of the project appoint one member to the Common Construction Wage Committee. The appointment must be a taxpayer (ratepayer) who pays the tax (rates) that will be the funding source for the project. Schmitt said he spoke with Al Mehringer who is employed by Kerstiens about serving on the committee and he agreed to serve if he was appointed. City Attorney Sandra Hemmerlein said she will notify the Committee of the hearing that is set for November 6, 2008, at 1:00 p.m. in the City Hall Council Chambers.

A **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember John Schroeder to appoint Al Mehringer to serve on the Common Construction Wage Committee. Motion carried 7-0.

JCAC PARTNER WITH ROTARY CLUB

JCAC President Michael Jones, Arts Director Kit Miracle, along with Rotary Club President Daryl Blocker asked permission for the JCAC to partner with the Rotary Club in order to sponsor a performance by Daniel Rodriguez and allow the City’s 50% of the net proceeds over and above the actual expenses to be transferred to the Arts Center Renovation/Expansion Fund.

Miracle said they are tentatively looking to schedule the performance on Armed Services Day, Flag Day or the 4th of July. Mayor Schmitt felt this is a unique opportunity to partner with the Rotary Club but cautioned not having more special events than regular events otherwise a precedent could be started. Council member Ambrose ‘Butch’ Schitter felt that as long as we do not upstage the performance series, the backstage series, and the family fun series this project is okay. Jones responded that the current program schedule cannot handle more than one such special event per year.

A **motion** was made by Councilmember Ray Howard and seconded by Councilmember Ambrose ‘Butch’ Schitter to allow JCAC to partner with the Rotary Club to sponsor the Daniel Rodriguez performance and allow JCAC’s fifty percent [50%] of the net proceeds over and above the actual expenses to be transferred to the Arts Center Renovation/Expansion Fund. Motion carried 7-0.

RESOLUTION NO. 2008-2 BLIGHTED INFRASTRUCTURE AREA DECLARATORY RESOLUTION

This resolution defines and declares the area for the CDBG sidewalk/storm water improvement project blighted.

A motion was made by Councilmember David Prechtel, seconded by Councilmember Kevin Manley and approved 7-0 to have the resolution read for one reading only. Thereafter, a motion was made by Councilmember Randy Buchta, seconded by Councilmember Thomas Schmidt, and approved 7-0 to have the resolution read by title only. The resolution was so read. Thereafter, a motion was made by Councilmember John Schroeder, seconded by Councilmember Ambrose ‘Butch’ Schitter and approved 7-0 to pass and adopt Resolution No. 2008-2.

ORDINANCE NO. 2008-29 AN ORDINANCE ESTABLISHING SALARIES FOR THE ELECTED OFFICIALS FOR THE CITY OF JASPER FOR THE YEAR 2009

This ordinance establishes salaries for elected officials for the year 2009. A Notice regarding the ordinance was published in the Herald on September 22 and September 29, 2008. The ordinance was passed on first reading on September 17, 2008.

A motion was made by Councilmember Ambrose 'Butch' Schitter, seconded by Councilmember Randy Buchta and approved 7-0 to have the ordinance read by title only for the 2nd reading. The ordinance was so read. Thereafter, a motion was made by Councilmember Ambrose 'Butch' Schitter, seconded by Councilmember David Prechtel to approve the ordinance on second reading. The motion carried 7-0.

Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member John Schroeder and approved 7-0 to read the ordinance on the 3rd and final reading by title only. The ordinance was so read. Thereafter, a motion was made by Councilmember Ray Howard, seconded by Councilmember Randy Buchta to approve the ordinance on the 3rd and final reading. The motion carried 7-0 and Ordinance No. 2008-29 was passed and adopted.

ORDINANCE NO. 2008-30 AN ORDINANCE AMENDING SECTION 4(2) OF ORDINANCE NO. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER – PARKING PROHIBITED ON CERTAIN DESIGNATED STREETS

This ordinance prohibits parking on the south side of 13th Street from Vine Street east a distance of 30 feet.

A motion was made by Councilmember Ambrose 'Butch' Schitter, seconded by Councilmember Thomas Schmidt and approved 7-0 to read the ordinance for one reading only. Thereafter, a motion was made by Councilmember Randy Buchta, seconded by Councilmember Thomas Schmidt and approved 7-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Councilmember Ambrose 'Butch' Schitter and seconded by Councilmember Thomas Schmidt to pass and adopt Ordinance No. 2008-30. The motion carried 7-0 and Ordinance No. 2008-30 was passed and adopted.

Under discussion, City Engineer Chad Hurm stated that at the southeast corner of 13th and Vine Streets there is a line of sight issue. A study was done and the recommendation by the study committee and the Board of Public Works and Safety was to eliminate some parking in that area.

Library land. Mayor Schmitt said he read in the paper that the Schneider real estate that was offered to the Library Board is no longer available for a library site. In 1951, an agreement was made that the current library property would revert back to the City in the event the building and improvements were no longer used as a library. Mayor Schmitt proposed to the Council offering a transfer of ownership of the land that the library building currently sits on to the Jasper Public Library on condition the property is used for a library. Schmitt said the library property is public property and a majority of the taxpayers are the same for both taxing units. Schmitt suggested the City Attorney draft a letter to the library board members making the transfer offer with certain conditions.

Council member Ambrose 'Butch' Schitter said do we want to include in the letter that the City can possibly help and work with them in creating a parking plan if a new library is constructed on the current site. At the Mayor's recommendation, Schmitt said City Engineer Hurm recently presented him with such a parking plan. Schitter also said transferring the land is a good idea thus eliminating one more obstacle if they can use the land.

Council member Raymond Howard said the letter that the council members sent to the library board members in September 2007 recommended the cost of the library expansion project be kept under \$5 million. The letter did not state the council agreed to approve a \$5 million bond.

City Attorney Sandra Hemmerlein said the September 2007 letter did not give any approval for bonding and it said they were not trying to assert authority where none exists. The law changed since that letter was sent and now the Library Board has to come to this Board for bonding approval.

Thereafter, a **motion** was made by Council member Randall Buchta and seconded by Council member David Prechtel to have the city attorney draft a letter to the Library Board offering them the current library land on condition it is used for a library, plus other possible conditions suggested by the Council. Motion carried 7-0.

Hemmerlein said she will prepare a draft copy of a letter and forward it to the Mayor and each Council member for his suggestions and approval. The council members agreed that they should each sign the letter.

Informational meeting with firefighters. Mayor Schmitt said since the October 8, 2008, informational meeting with the Jasper Volunteer Firefighters that was held in order to hear a presentation about a proposed retirement plan, some of the firefighters are comparing the current plan with the proposed plan and they have some issues. Schmitt said he met with three firefighters and one more is scheduled to meet with him. Schmitt said if the Council members are receiving phone calls from some firefighters about the proposed plan and need more information, they should contact him. Mayor Schmitt then stated the City is waiting on a private letter ruling from the IRS and is moving forward with hiring a financial firm to manage the accounts. He also said that a major difference in the new plan is that it is based on performance.

Council member Thomas Schmidt said not because his son is a firefighter, but how much has the City saved by having a volunteer fire department rather than a paid department. Mayor Schmitt said the City has saved money and has provided the firefighters with the best equipment which is all good for the City.

Council member Randy Buchta stated that no part-time jobs have benefits.

Council member Ambrose 'Butch' Schitter explained that if you buy a \$10,000.00 certificate of deposit at a 4% rate and let it accrue for 15 years you would have a \$170.00 per month distribution which is similar to the plan's distribution.

Comprehensive Plan Meeting. Council member Kevin Manley reported that the final meeting to approve the RFP for the Comprehensive Plan will be held on October 28, 2008, at 7:00 a.m. in City Hall.

Former Middle School building. Council member David Prechtel asked about the old Middle School. Mayor Schmitt said he was informed that the results of the building inspection matter are going to be discussed at a school board meeting at the end of October.

Adjournment. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:00 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 19th day of November, 2008.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary